

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTHONY LYNN DEFREEZE,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-20-321-PRW
)	
STATE OF OKLAHOMA,)	
)	
Respondent,)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Anthony Lynn Defreeze, a state pre-trial detainee appearing pro se and in forma pauperis, seeks habeas relief under 28 U.S.C. § 2241, arguing that the State of Oklahoma has failed to provide him with the speedy trial(s) guaranteed by the federal constitution. The matter was referred to Magistrate Judge Shon Irwin for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B) and (C). The Magistrate Judge recommended that the petition be dismissed, and gave Petitioner until June 29, 2020, to file objections to the Report and Recommendation.¹ Petitioner timely objected.²

The Magistrate Judge recommends dismissal based on his conclusion that Petitioner seeks relief—outright dismissal of the state court prosecutions—that is

¹ Report and Recommendation (Dkt. 13).

² Pet'r's Obj. to Report and Recommendation (Dkt. 16).

not available via a writ of habeas corpus.³ The Magistrate Judge also concludes that the *Younger* abstention doctrine prevents federal court intervention in these state court prosecutions.⁴

Petitioner's objection to the Report and Recommendation does not explain why either of the Magistrate Judge's rationales were wrong. Petitioner merely repeats many of the arguments that were rejected by the state court, and while he says he is not seeking to avoid trial, Petitioner continues to insist that dismissal of his state court cases is the appropriate remedy, and dismissal of those cases is the only relief requested in his petition.⁵

Having reviewed the objections de novo, the Court agrees with the Magistrate Judge that dismissal of state court prosecutions is not a remedy available to pre-trial detainees via a writ of habeas corpus. The Court accordingly adopts the reasoning of the Magistrate Judge and overrules Petitioner's objections.

³ Report & Recommendation (Dkt. 13) at 3-4.

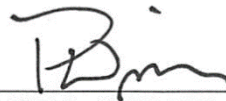
⁴ *Id.*

⁵ Petition (Dkt. 1) at 2; Petitioner's Obj. to Report & Recommendation (Dkt. 16) at 10.

Accordingly, the Court:

- (1) **ADOPTS** the Report and Recommendation (Dkt. 13) issued by the Magistrate Judge on June 10, 2020,
- (2) **DISMISSES** the Petition without prejudice,
- (3) **FINDS** that a certificate of appealability should not issue, and
- (4) **ORDERS** that judgment issue forthwith.

IT IS SO ORDERED this 19th day of February, 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE